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June 18, 2020

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application granted.
SO ORDERED.

New York, NY /s/ John G. Koeltl
June 19, 2020 John G. Koeltl, U.S.D.J.

Re: Evelina Calcano v. L2T, Inc.
Case No. 1:19-cv-11377-JGK

Dear Judge Koeltl:

We represent defendant L2T, Inc. (“Defendant”) in the above-referenced action. In accordance with Rule 1.E. of Your Honor’s Individual Practices, and in light of the events summarized below, we respectfully write to request a further stay of this matter until August 21, 2020.

On April 21, 2020, Defendant notified this Court that it had closed its retail stores and was working diligently to manage the unprecedented disruption to its operations resulting from COVID-19. Defendant’s retail stores remain closed, and Defendant continues to dedicate its resources to addressing the myriad business challenges posed by the pandemic. In light of these developments and the attendant concerns regarding COVID-19, and so that it may direct its attention and resources to the critical issues facing its business, Defendant respectfully requests a further stay of all deadlines and events in this matter until August 21, 2020, including Defendant’s June 22, 2020 deadline to respond to the Complaint.

Notwithstanding that basis for this application, Defendant respectfully notes that developments in certain related actions provide further support for the relief sought herein. In late April 2020, the Honorable Gregory H. Woods of the Southern District of New York issued decisions granting motions to dismiss other gift card cases involving substantially identical complaints to Plaintiff’s here. (*See Yovanny Dominguez v. Banana Republic, LLC, U.S.D.C. S.D.N.Y. Case No. 1:19-cv-101071 (GHW) (“Banana Republic”); James Murphy v. Kohl’s Department Stores, Inc., U.S.D.C. S.D.N.Y. Case No. 1:19-09921 (GHW) (“Kohl’s”).* Plaintiffs in those cases exercised their right to appeal from those rulings, and the Second Circuit has recently ordered a coordinated and expedited briefing schedule in those cases, suggesting that the Second Circuit intends to address the same issues at the core of the pending motion to dismiss. Although we understand that the plaintiffs/appellants in those cases intend to ask the Second Circuit to sever those appeals and withdraw the expedited briefing schedules, the Second

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Circuit's intent to rule on these same issues is inevitable and possibly imminent. Defendant's requested stay would thus also conserve judicial resources, and permit the parties and this Court to resume proceedings at a future date with the benefit of guidance from the Court of Appeals.

This is Defendant's second request for a stay of this matter, and Plaintiff consents to this request.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: s/ Evan B. Citron
Evan B. Citron

EBC:bjr
cc: All counsel of record (via ECF)

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